

# House Amendment 8618

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1 1 Amend House File 2789, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 321J.2, subsection 2,  
1 6 paragraph a, subparagraph (2), Code 2005, is amended  
1 7 to read as follows:  
1 8 (2) Assessment of a fine of one thousand two  
1 9 hundred fifty dollars. However, in the discretion of  
1 10 the court, if no personal or property injury has  
1 11 resulted from the defendant's actions, the court may  
1 12 waive up to five six hundred twenty=five dollars of  
1 13 the fine when the defendant presents to the court at  
1 14 the end of the minimum period of ineligibility, a  
1 15 temporary restricted license issued pursuant to  
1 16 section 321J.20. As an alternative to a portion or  
1 17 all of the fine, the court may order the person to  
1 18 perform unpaid community service.  
1 19 Sec. 2. Section 321J.2, subsection 2, paragraph b,  
1 20 Code 2005, is amended to read as follows:  
1 21 b. An aggravated misdemeanor for a second offense,  
1 22 and shall be imprisoned in the county jail or  
1 23 community-based correctional facility not less than  
1 24 seven days, and assessed a fine of not less than one  
1 25 thousand five eight hundred seventy=five dollars nor  
1 26 more than five six thousand two hundred fifty dollars.  
1 27 Sec. 3. Section 321J.2, subsection 2, paragraph c,  
1 28 unnumbered paragraph 1, Code 2005, is amended to read  
1 29 as follows:  
1 30 A class "D" felony for a third offense and each  
1 31 subsequent offense, and shall be committed to the  
1 32 custody of the director of the department of  
1 33 corrections for an indeterminate term not to exceed  
1 34 five years, shall be confined for a mandatory minimum  
1 35 term of thirty days, and shall be assessed a fine of  
1 36 not less than two three thousand five one hundred  
1 37 twenty=five dollars nor more than seven nine thousand  
1 38 five three hundred seventy=five dollars.>  
1 39 #2. Page 1, line 18, by inserting after the figure  
1 40 <8A,> the following: <the office of attorney general  
1 41 pursuant to section 602.8108, subsection 8B, the  
1 42 department of corrections pursuant to section  
1 43 602.8108, subsection 8C.>.  
1 44 #3. Page 1, line 31, by inserting after the figure  
1 45 <8A,> the following: <the office of attorney general  
1 46 pursuant to section 602.8108, subsection 8B, and the  
1 47 department of corrections pursuant to section  
1 48 602.8108, subsection 8C.>.  
1 49 #4. Page 3, line 14, by inserting after the figure  
1 50 <8A,> the following: <8B, 8C.>.  
2 1 #5. Page 3, line 26, by striking the word  
2 2 <thirteen> and inserting the following: <fourteen>.  
2 3 #6. Page 4, line 6, by striking the word  
2 4 <subsection> and inserting the following:  
2 5 <subsections>.  
2 6 #7. Page 4, line 11, by striking the words <two  
2 7 million eight hundred thousand> and inserting the  
2 8 following: <three million>.  
2 9 #8. Page 4, by inserting after line 14 the  
2 10 following:  
2 11 <NEW SUBSECTION. 8B. The state court  
2 12 administrator shall allocate to the office of attorney  
2 13 general for the fiscal year beginning July 1, 2006,  
2 14 and for each fiscal year thereafter, three hundred  
2 15 thousand dollars of the moneys received annually under  
2 16 subsection 2, to be used for legal services for  
2 17 persons in poverty grants as provided in section  
2 18 13.34.  
2 19 NEW SUBSECTION. 8C. The state court administrator  
2 20 shall allocate to the department of corrections for  
2 21 the fiscal year beginning July 1, 2006, and for each  
2 22 fiscal year thereafter, five hundred sixty thousand  
2 23 dollars of the moneys received annually under  
2 24 subsection 2, to be used for offenders transferred to

2 25 the department pursuant to section 229A.5, subsection  
2 26 5.>  
2 27 #9. By striking page 4, line 35, through page 5,  
2 28 line 1, and inserting the following: <class "A"  
2 29 felonies, sixty dollars per hour for all other  
2 30 felonies, sixty dollars per hour for misdemeanors, and  
2 31 fifty-five dollars per hour for all other cases.>  
2 32 #10. Page 5, by inserting after line 11 the  
2 33 following:  
2 34 <Sec. \_\_\_\_\_. Section 903.1, subsection 1, paragraphs  
2 35 a and b, Code 2005, are amended to read as follows:  
2 36 a. For a simple misdemeanor, there shall be a fine  
2 37 of at least ~~fifty~~ sixty-five dollars but not to exceed  
2 38 ~~five six~~ hundred ~~twenty-five~~ dollars. The court may  
2 39 order imprisonment not to exceed thirty days in lieu  
2 40 of a fine or in addition to a fine.  
2 41 b. For a serious misdemeanor, there shall be a  
2 42 fine of at least ~~two three~~ hundred ~~fifty fifteen~~  
2 43 dollars but not to exceed one thousand ~~five eight~~  
2 44 hundred ~~seventy-five~~ dollars. In addition, the court  
2 45 may also order imprisonment not to exceed one year.  
2 46 Sec. \_\_\_\_\_. Section 903.1, subsection 2, Code 2005,  
2 47 is amended to read as follows:  
2 48 2. When a person is convicted of an aggravated  
2 49 misdemeanor, and a specific penalty is not provided  
2 50 for, the maximum penalty shall be imprisonment not to  
3 1 exceed two years. There shall be a fine of at least  
3 2 ~~five six~~ hundred ~~twenty-five~~ dollars but not to exceed  
3 3 ~~five six~~ thousand ~~two hundred fifty~~ dollars. When a  
3 4 judgment of conviction of an aggravated misdemeanor is  
3 5 entered against any person and the court imposes a  
3 6 sentence of confinement for a period of more than one  
3 7 year the term shall be an indeterminate term.>  
3 8 #11. Title page, line 1, by inserting after the  
3 9 word <costs> the following: <and modifying fines>.  
3 10 #12. Title page, line 2, by inserting after the  
3 11 word <branch> the following: <, attorney general,  
3 12 department of corrections,>.  
3 13 #13. By renumbering as necessary.  
3 14 HF 2789.S  
3 15 jm/cc/26